

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

Mohamed Ouahman

v.

Civil No. 11-cv-075-SM

James O'Mara, Superintendent,
Hillsborough County Department
of Corrections et al.

O R D E R

Before the court is Mohamed Ouahman's motion for appointment of counsel (doc. no. 28). Ouahman seeks court-appointed counsel on the grounds that he cannot afford an attorney, and that without court-appointed counsel, "he may lose the chance to vindicate himself, and prove that his constitutional rights were in fact violated." Defendants object (doc. no. 29).

There is no constitutional right to the appointment of counsel in a civil case in this court. See Maroni v. Pemi-Baker Reg'l Sch. Dist., 346 F.3d 247, 257 (1st Cir. 2003). While the court has the discretion to appoint counsel in a particular case, it must do so "only if 'exceptional circumstances were present such that a denial of counsel was likely to result in fundamental unfairness impinging on [plaintiff's] due process rights.'" King v. Greenblatt, 149 F.3d 9, 14 (1st Cir. 1998) (quoting DesRosiers v. Moran, 949 F.2d 15, 23 (1st Cir. 1991)).

To determine if "exceptional circumstances" warrant the appointment of counsel, "a court must examine the total situation, focusing, inter alia, on the merits of the case, the complexity of the legal issues, and the litigant's ability to represent himself." DesRosiers, 949 F.2d at 24.

Ouahman has failed to establish the existence of exceptional circumstances warranting the appointment of counsel in this case. Ouahman's indigence and lack of legal expertise are circumstances common to most inmate litigants in this court. There is no reason set forth in the motion, or otherwise apparent at this time, to believe that Ouahman will be unable to adequately represent himself in this matter. Accordingly, Ouahman's motion for appointed counsel (doc. no. 28) is denied without prejudice to Ouahman renewing his request should circumstances warrant.

SO ORDERED.



Landya B. McCafferty
United States Magistrate Judge

Date: April 10, 2012

cc: Mohamed Ouahman, pro se
John A. Curran, Esq.

LBM:jba